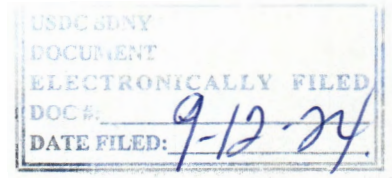


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

----- X
UNITED STATES OF AMERICA,



-against-

11-cr-059 (LAK)

DAVID MARTE,

Defendant.
----- X

ORDER

LEWIS A. KAPLAN, *District Judge*.

Before the Court is defendant's motion for a sentence reduction pursuant to 18 U.S.C. § 3582(c)(2) and for appointment of counsel pursuant to 18 U.S.C. § 3006A.

On October 7, 2011, the defendant was sentenced principally to a term of imprisonment of 121 months on two counts of conspiracy to distribute crack cocaine. On December 17, 2015, the defendant's sentence was reduced to 120 months' imprisonment in light of Amendments 782 and 788 to the Sentencing Guidelines. On July 15, 2024, defendant moved for a reduction of sentence. On September 11, 2024, the Probation Office completed a Supplemental Presentence Report indicating that the defendant is not eligible for a sentence reduction under the terms of Amendment 821.

The Court has considered the record in this case and the submissions of the parties and the Probation Office. The Court finds that the defendant is ineligible for a sentence reduction under Amendment 821 to the Sentencing Guidelines because he did not receive an enhancement for committing the instant offense while under a criminal justice sentence, and because the defendant


possessed a firearm in connection with the offense and thus does not qualify for the zero-point offender reduction.

Given the defendant's clear ineligibility for a sentence reduction, appointment of counsel pursuant to 18 U.S.C. § 3006A is not warranted.

It is hereby ORDERED that the defendant's motion for a sentence reduction pursuant to 18 U.S.C. § 3582(c)(2) and for appointment of counsel pursuant to 18 U.S.C. § 3006A is denied.

SO ORDERED.

Dated: September 12, 2024

A handwritten signature in black ink, appearing to read "Lewis A. Kaplan", is written over a horizontal line.

Lewis A. Kaplan
United States District Judge